

EXHIBIT D

EXHIBIT D

7909BART1 Trial

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v. 06 CR 832 (KTD)

5 LUVENIA BARTEE and EBONY WORTHY,

6 Defendants.

7 -----x

8 New York, N.Y.
9 September 24, 2007
2:15 p.m.

10 Before:

11 HON. KEVIN THOMAS DUFFY

12 District Judge

13 - and a jury -

14 APPEARANCES

15 MICHAEL J. GARCIA
Acting United States Attorney for the
16 Southern District of New York
BY: DANYA PERRY
17 DANIEL LEVY
Assistant United States Attorneys

18 MARTIN R. STOLAR
19 Attorney for Defendant Bartee

20 HOWARD L. JACOBS
21 Attorney for Defendant Worthy

22 Also Present: Ruben Correa
Special Agent
23 Immigration and Customs Enforcement

24 Robert Arnay
25 Paralegal, U.S. Attorney's Office

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Opening - Mr. Jacobs

1 something wrong. And I point out to you, the records will show
2 that money was drawn out of the account from only one check
3 that was deposited in the account.

4 Listen to all of the evidence, as the Judge has told
5 you, listen not only to the direct testimony, but to the
6 cross-examination of every witness, to determine for yourselves
7 where the truth lies in this case. And I'm sure you will then
8 follow your oath and give Ebony Worthy a fair and just trial in
9 this case. Thank you.

10 THE COURT: OK. Call your first witness.

11 MS. PERRY: Your Honor, the government calls Natasha
12 Singh.

13 NATASHA SINGH,

14 called as a witness by the government,
15 having been duly sworn, testified as follows:

16 MS. PERRY: May I inquire, your Honor?

17 THE COURT: Yes.

18 DIRECT EXAMINATION

19 BY MS. PERRY:

20 Q. How old are you, Ms. Singh?

21 A. 32 years old.

22 Q. What do you do for a living?

23 A. Currently I'm in school.

24 Q. For what?

25 A. Nursing.

7909BART3

Singh - direct

1 involved in this fraudulent check scheme, do you know how much
2 money was made from these bad checks?

3 A. Yes. He made a lot of money. Oh, in the millions.

4 Q. Ms. Singh, have you ever heard of a company called UR
5 Recovery?

6 A. Yes, I did.

7 Q. How did you first hear about this company?

8 A. Well, I heard about it from Douglas. But I heard there was
9 accounts in Virginia from Toybe when I first heard about.

10 Q. What did Toybe tell you?

11 A. Well, he didn't say exactly to me. He was helping me move
12 and he and his cousin were having a conversation, and I was
13 right there in the next room.

14 Q. Who was his cousin?

15 A. Roberto Montgomery.

16 Q. And is Roberto Montgomery someone that you mentioned
17 earlier, someone that Toybe worked with in depositing bad
18 checks?

19 A. Yes.

20 Q. And when was this conversation between Roberto Montgomery
21 and Toybe Bennett?

22 A. It was around August of 2004, in my house, they were
23 helping me move. And Roberto said to Toybe: All these things
24 you have me doing for you, you really owe me.

25 And Toybe said to him that: Don't worry. I got you.

7909BART3

Singh - direct

1 My deal is going to come through soon, and I'll take care of
2 you.

3 Q. And what was the next thing you heard about this Virginia
4 deal?

5 A. A few days later Douglas was talking to Toybe on the phone.
6 And when he hang up, he said that ooh, Toybe is very happy that
7 he got two good accounts from Virginia, and then he told me the
8 names.

9 Q. And he told you the names of the two -- I'm sorry. Could
10 you say that again. What did he tell you?

11 A. He said Toybe was very happy because he got two good
12 accounts from Virginia.

13 Q. Did he tell you what those two accounts were?

14 A. Yes.

15 Q. And what were they?

16 A. It was UR Recovery and Moonlight Production.

17 Q. What was the expression he used, a good account?

18 A. Yes. He used that a lot.

19 Q. What does that mean, good account?

20 A. He found someone that's willing to deposit these checks in
21 their name; and also if they have a business account, it's even
22 better for them.

23 Q. Did Douglas tell you how Toybe Bennett knew these people in
24 Virginia who had these good accounts?

25 A. Yes, through a friend of his, I understand it's a mutual

7909BART3

Singh - direct

1 friend in Brooklyn.

2 Q. Did Douglas tell you what type of business UR Recovery is?

3 A. Yes.

4 Q. What kind of business was it?

5 A. A business that repairs credit, people's credit.

6 Q. Did you know what type of business Moonlight Productions
7 was?

8 A. No.

9 Q. Did you learn who owned UR Recovery?

10 A. I learned it was a female.

11 Q. Do you recall the person's name?

12 A. No.

13 Q. How did you learn that the owner of UR Recovery was a
14 female?

15 A. Because Douglas mentioned that he needs a fraudulent
16 statement, a fake invoice to be sent to -- she's going to need
17 a fake invoice to be sent.

18 Q. So he used a female pronoun?

19 A. Yeah. He said she.

20 Q. Did you learn who owned Moonlight Productions?

21 A. A couple.

22 Q. Did you know their names?

23 A. No.

24 Q. There was a couple. Did you know it was the wife, the same
25 person that owned UR Recovery?

7909BART3

Singh - direct

1 A. No. It was two different people.

2 Q. By the way, you said that the first time you heard about
3 the two accounts in Virginia you thought was when?

4 A. From Toybe in September.

5 Q. September?

6 A. Mm-hmm.

7 Q. And then you later heard Douglas about the conversation?

8 A. Yes.

9 Q. Were you aware how many counterfeit checks the owner of UR
10 Recovery agreed to deposit?

11 A. Yes.

12 MR. STOLAR: Objection. I object to the question.

13 THE COURT: She said yes.

14 MR. STOLAR: Well, it's the question. The owner
15 agreed to deposit, and that presumes a fact that is not in the
16 testimony.

17 THE COURT: Well, I'll permit anyway. Go ahead.

18 Q. Did Douglas tell you that the owner of UR Recovery agreed
19 to deposit counterfeit checks?

20 A. Yes.

21 Q. Were you aware how many counterfeit checks that owner of UR
22 Recovery agreed to deposit?

23 A. Yes.

24 Q. How many?

25 A. Two.

7909BART3

Singh - direct

1 Q. Were you aware of how big those checks were?

2 A. Yes.

3 Q. Do you recall how big they are?

4 A. One is for 80 something thousand and one is a hundred and
5 change -- a hundred and something thousand.

6 Q. Were you aware of where those two counterfeit checks were
7 deposited by UR Recovery?

8 A. Yes.

9 Q. Where was that?

10 A. One in Philadelphia and one in New York.

11 Q. Who deposited those checks?

12 A. Toybe and Douglas.

13 Q. Who told you that?

14 A. Douglas.

15 Q. Did Douglas ever tell you whether he ever got any proceeds
16 from these two checks deposited in UR Recovery's account?

17 A. Yes.

18 Q. What did he tell you about the proceeds?

19 A. He said to me that he needs these fake invoices to be made
20 up because she does not want to release anymore money until she
21 receives the fake invoices.

22 Q. I'm going to get back to the fake invoices. I'll ask you
23 first, did you hold any accounts at Wells Fargo?

24 A. Yes, I did.

25 Q. What type of account?

7909BART3

Singh - direct

1 A. It was a credit line under the business name.

2 Q. Which business name?

3 A. New York Cafe Lounge.

4 Q. How much was the line of credit for?

5 A. I believe it was 50,000; 45, 50,000.

6 Q. Who applied for the line of credit?

7 A. I did.

8 Q. Was Douglas Shyne on this account?

9 A. No. Douglas never applied for anything. He was never
10 on --

11 Q. Did you have any credit cards on this account?

12 A. Yes. There was two credit cards. One would come out
13 because I'm the applicant and I requested one for him, for
14 Douglas, without him filling out any application for a credit
15 check. He had a \$45,000 or \$40,000 credit spending limit off
16 of the card that I applied for, and I had five thousand.

17 Q. Now, did you and he ever pay down this line of credit?

18 A. He told me that he was going to pay the line of credit
19 because he had made a lot of purchases and he was going to pay
20 it from proceeds from the Virginia deal. I don't know which
21 one it was.

22 Q. Are you aware -- did he pay off this line of credit on
23 other occasions besides during the course of this Virginia
24 deal?

25 A. He's paid it off before. He run it up, and he keeps doing

7909BART3

Singh - direct

1 that over and over.

2 Q. With what funds does he pay off the line of credit?

3 A. From fraudulent proceeds.

4 Q. Why does he use fraudulent proceeds to pay down this line
5 of credit?

6 A. To have it not traced to him because the card is not in his
7 name. It's in my name.

8 Q. There is a card in his name with you?

9 A. Yeah, he got a card in his name. But he didn't have to
10 apply for it with a social security number or anything. So
11 when he makes a payment, it goes because I'm the applicant. If
12 he doesn't pay it, they coming after me.

13 Q. Did you hear about any problems that Douglas Shyne was
14 having with UR Recovery?

15 A. Yes.

16 Q. In what context did you hear this?

17 A. The problem when he asked me for an invoices, when he said
18 she wants the fake invoices sent to her before she release any
19 further money.

20 Q. Who is the "she" that wanted the fake invoices?

21 A. He referred to the owner of IIR Recovery.

22 Q. And he asked you to provide some fake invoices?

23 A. Yes.

24 Q. Did he tell you why the owner of UR Recovery wanted these
25 fake invoices?

7909BART3

Singh - direct

1 A. To cover herself, God forbid the checks come back, to show
2 that she provided this service to whoever I would make up the
3 fake invoices for.

4 Q. Was this the first time that you and Douglas Shyne had
5 discussed invoices for UR Recovery?

6 A. No. A few days earlier he had mentioned to me that he
7 would need these invoices for UR Recovery. And then later on
8 he mentioned that she needs it because she's not going to send
9 any additional funds.

10 Q. So to your understanding the checks had already been
11 deposited and some of the funds were released but not all the
12 funds?

13 A. Correct. And she's requesting the fake invoice to release
14 the balance.

15 Q. I'd like to ask you to look at what's been marked for
16 identification as Government Exhibit 402 and ask if you
17 recognize that?

18 MS. PERRY: Your Honor, just to let you know, this
19 will probably take a little while with this invoice. Should we
20 go forward?

21 THE COURT: This is exhibit 402?

22 MS. PERRY: Yes, your Honor.

23 THE COURT: You can identify it.

24 Q. Can you identify Government Exhibit 402?

25 A. Yes.

7909BART3

Singh - direct

1 Q. What is that?

2 A. This is an invoice I made up and give it to Douglas.

3 Q. Is this your handwriting on these two documents, that's
4 Government Exhibit 402?

5 A. Yes, it is.

6 Q. When you prepared the fake invoices, I assume you prepared
7 them -- let me -- withdrawn.

8 Government Exhibit 402 that's in front of you, is that
9 an original document?

10 A. No. It's copies.

11 Q. But this is a copy of what you prepared?

12 A. Yes.

13 MS. PERRY: The government offers exhibit 402.

14 MR. STOLAR: Can I take a look?

15 THE COURT: Sure.

16 BY MR. STOLAR:

17 Q. On top of one of these copies there is some, what looks
18 like pen language. Do you know what that is?

19 A. No.

20 Q. You didn't write that?

21 A. No.

22 MR. STOLAR: Judge, if we can get an agreement to
23 block out the stuff that she doesn't recognize.

24 THE COURT: Sure.

25 MS. PERRY: Yes, your Honor.

7909BART3

Singh - direct

1 MR. STOLAR: Then I won't have an objection.

2 THE COURT: Okay. Now, you're going to take time with
3 it tomorrow. At least it will be in evidence.

4 (Government's Exhibit 402 received in evidence)

5 THE COURT: All right, Ladies and Gentlemen, I'll see
6 you tomorrow afternoon. Sorry, but I got to do it this way.

7 All right. Good. Have a pleasant evening.

8 (Jury excused)

9 (Continued on next page)

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79P9BART3

Singh direct

1 Q. In connection with your guilty plea in your case, did you
2 agree to forfeit any asset to the government?

3 A. Yes, I did.

4 Q. What did you forfeit?

5 A. Everything I worked for and everything that I got from
6 fraudulent proceeds.

7 Q. Do you have any assets remaining?

8 A. Just myself and my kids.

9 Q. Do you still live in your house in New Jersey?

10 A. No, I don't.

11 Q. Was your guilty plea in your case pursuant to a cooperation
12 agreement with the government?

13 A. Yes.

14 Q. Are you testifying today pursuant to that cooperation
15 agreement?

16 A. No.

17 MR. STOLAR: I'm sorry?

18 Q. What's your understanding of what you had to do under the
19 agreement, your cooperation agreement?

20 A. Tell the truth.

21 Q. And what's your understanding of what the government was
22 required to do under the agreement?

23 A. Give a letter to the judge.

24 Q. A letter to the judge saying what?

25 A. Saying if I -- if they found me being truthful or not.

79P9BART3

Singh - direct

1 Q. And what's your understanding of what would happen if you
2 were not to tell the truth, you were to not tell the truth?

3 A. The government will then rip the letter up, the agreement
4 letter.

5 Q. Is it your understanding that you are required to tell the
6 truth in all matters for the government?

7 MR. JACOBS: Objection, leading.

8 THE WITNESS: Yes.

9 THE COURT: Sure is.

10 Q. You're not testifying today, it's your understanding,
11 pursuant to your cooperation agreement?

12 A. No.

13 Q. Why are you testifying today?

14 A. Because the government knows that I -- have knowledge of
15 some information of this case and I have to tell the truth.

16 Q. Has the government made any promises to you about what
17 sentence you might receive if they choose to write a letter to
18 your sentencing judge?

19 A. No.

20 Q. Who decides what sentence you receive?

21 A. The judge.

22 THE COURT: This judge is not me, right?

23 THE WITNESS: No, sir.

24 MS. PERRY: Your Honor, may I just have one moment?

25 THE COURT: Sure.

79Q9BART2

Singh - redirect

1 MR. JACOBS: Nothing to do with cross.

2 THE COURT: Sustained.

3 MS. PERRY: Well, Mr. Jacobs asked a question about --

4 THE COURT: No.

5 MS. PERRY: I'll move on.

6 THE COURT: No. No.

7 Q. You testified on cross about numerous individuals
8 associated with Toybe Bennett who had deposited checks into
9 their account. You talked about a Jason Watler, Roberto
10 Montgomery. You testified on direct about a girlfriend of his,
11 Donna.

12 Are these all people who put proceeds of counterfeit
13 checks, or did they put counterfeit checks themselves, if you
14 know?

15 A. Both.

16 Q. To your knowledge, did these people do so knowing that the
17 checks were bad?

18 MR. JACOBS: Objection.

19 THE COURT: Sustained.

20 Q. Did Toybe ever tell you whether his girlfriend, Donna, knew
21 that she was putting bad checks in for him?

22 MR. JACOBS: Objection. Improper redirect.

23 THE COURT: Yes. Has nothing to do with the cross.

24 Q. You were just asked some questions by Mr. Stolar about what
25 you told the government and when you told them. How many

79Q9BART2

Singh - redirect

1 meetings have you had with the government?

2 A. Several.

3 Q. And do you know whether notes were taken at each of these
4 meetings?

5 A. No. A lot of times they didn't take notes.

6 Q. And the documents that he showed you and asked if they
7 refresh your recollection, do you know what those are?

8 MR. STOLAR: Objection.

9 THE COURT: No. Does she know.

10 THE WITNESS: Yes.

11 Q. What are they?

12 A. Those are the notes from our meeting in our early stage.

13 Q. Did you take those notes?

14 A. No.

15 Q. Had you ever seen those notes before?

16 A. No.

17 Q. Do you know whether they contained everything that was
18 discussed in that meeting?

19 A. I don't know. I was talking. Somebody was writing. I
20 don't know if they could write as fast. I don't know.

21 Q. Prior to signing a cooperation agreement with the
22 government in March of 2007, had you told the government about
23 fraudulent activity relating to UR Recovery?

24 A. Yes.

25 Q. Had you told the government about fraudulent activity

79Q9BART2

Singh - redirect

1 relating to people associated with Toybe Bennett?

2 A. Yes.

3 Q. Did you tell the government specifically and did you
4 mention any names?

5 A. I told the government about UR Recovery.

6 MR. JACOBS: Objection. The answer is did you mention
7 any names. Yes or no.

8 THE COURT: Yes. And she said yes.

9 THE WITNESS: Yes.

10 THE COURT: Okay. Next question.

11 Q. What names did you tell the government?

12 A. I mentioned to the government that they did deals with UR
13 Recovery, Moonlight, and also I mentioned about Toybe involving
14 friends, family, and girlfriends.

15 Q. When you were asked specific questions by the government
16 about people's names, did you answer those questions at that
17 point?

18 A. Yes, whatever the government asked me, whatever name, I
19 gave, yeah.

20 Q. Whether or not -- withdrawn.

21 MS. PERRY: I think I'm done, your Honor, just one
22 minute.

23 (Pause)

24 MS. PERRY: No further questions, your Honor.

25 MR. JACOBS: No recross, your Honor.